

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ROBERT JAMES GRAY, JR., #1948039	§	
	§	
VS.	§	CIVIL ACTION NO. 4:20cv370
	§	
DIRECTOR, TDCJ-CID	§	


ORDER OF DISMISSAL

This case was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation concluding Petitioner's case should be dismissed without prejudice as a successive petition. (Dkt. # 6). The Magistrate Judge noted that Petitioner has filed one prior federal habeas corpus petition, challenging the same conviction, which the Court dismissed as barred by the one-year statute of limitations. *Gray v. Director*, No. 4:18-cv-344, 2020 WL 1929413, at * 1-2 (E.D. Tex Apr. 21, 2020). The Magistrate Judge found that the current petition is successive because it raises a new claim, and attacks the merits of the disposition of Petitioner's first petition. *Adams v. Thaler*, 679 F.3d 312, 319 (5th Cir. 2012). Petitioner has not shown he has permission from the Fifth Circuit to file this new successive petition. *See In re Epps*, 127 F.3d 364 (5th Cir. 1997).

The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such actions, has been presented for consideration. No objections having been timely filed, the Court concludes the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court.

Accordingly, it is **ORDERED** the petition for writ of habeas corpus (Dkt. # 1) is **DISMISSED** without prejudice. It is further **ORDERED** all motions by either party not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 18th day of August, 2020.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE